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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,034	08/04/2003	Paul Brent Rivers	030257	5276

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/634,034	RIVERS, PAUL BRENT	
	Examiner	Art Unit	
	Hargobind S Sawhney	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☐ Claim(s) 1-6, 8, 10, 11 and 20 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, line 2, "said cable" is recited positively, whereas the independent Claim 1 recites "for receiving a cable" as an intended use.

Claim 11 has been examined considering the limitation "cable" as intended use.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Leen (US Patent No.: 6,585,400 B2).

Regarding claims 1-5 Leen ('400 B2) discloses an illumination apparatus 10 (Figure 1, column 2, line 22) comprising:

- a main housing 12 having a light source 20 (Figure 5, column 2, line 32);
- a pedestal 40- combination of elements 30,40,50 and 70- detachably attached to the main housing 12 (Figure 1, column 2, lines 61-63);
- the pedestal 40 further including a set of jaws 81,82 (Figure 1);
- the pedestal 40 further including a detachable attachment device 41 – including elements 41 and 42 – connected to the pedestal, and the device 41 detachably connecting the pedestal 40 to the main housing 12 (Figure 1);
- a handle 30 attached to the portion of the main housing 12 (Figure 1, column 2, line 24)
- the sets of jaws 81,82 being resiliently biased – with the spring element encasing the pin connecting elements 75 and 76 – (Figure 1) in a normally closed position;

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- a flexible neck 22- flexible in positioning the light source in different orientations - structured for operationally the light source 20 with the main housing 12;
- a pivotal connection 24 (Figure 1, column 2, lines 52-59) operatively associating the light source 20 with the main housing 12;

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Hollenbach et al. (US Patent No.: 5,510,970).

Hollenbach et al. (US Patent No.: 5,510,970) discloses an illumination apparatus 10 (Figure 1, column 1, line 54) comprising:

- a main housing 12 having a light source 14 (Figure 1, column 1, line 55);
- a pedestal 26- combination of elements 26,30- detachably attached to the main housing 12 (Figure 1, column 1, lines 61-66);
- the pedestal 26 further including a set of jaws 65 (Figure 1) resiliently biased in normally open position (Figure 1, column 2, lines 55-64); and
- a portion of at least one of the set of jaws being lined (Figure 1).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leen (US Patent No.: 6,585,400 B2) in view of

Regarding claims 10 and 11, Leen ('400 B2) discloses an illumination apparatus comprising at least one set of jaws. However, Leen ('400 B2) does not specifically teach at least one of the sets of jaws being lined.

On the other hand, Schmidt et al. (German Patent No.: DE3321426 A1) discloses a sets of jaws 4b including friction lining 6 (Figure 2, English translated abstract) including material resisting movement between the object gripped by the jaws 4b.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the sets jaws of the clamp of Leen ('400 B2) by providing friction lining as taught by Schmidt et al. (German Patent No.: DE3321426 A1) for benefit and advantage of preventing longitudinal of the clamped object for secured grip.

***Allowable Subject Matter***

9. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Leen (US Patent No.: 6,585,400 B2), Chen (US Patent No.: 6,428,192 B1) and Tsao (US Patent No.: 6,062,703), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose motivation for combining:

- the flexible neck including a resilient material as recited in Claim 7; and
- an additional pedestal assembly connected to the main housing as recited in Claim 9.
- Therefore, claims 7 and 9 are objected over prior art.

10. Claims 12-19 are allowed.

The prior art of record, including Leen (US Patent No.: 6,585,400 B2), Chen (US Patent No.: 6,428,192 B1) and Tsao (US Patent No.: 6,062,703), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose motivation for combining:

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- at least one push rod connected to a portion of at least one set jaws, and the push rod structured for contacting the arm of the handle as recited in Claim 12.

The above-indicated combination, including of at least one push rod structures and positioned for being in contact with one of the arm of the handle, makes this invention unique.

Neither combined nor individual teaching of Leen (US Patent No.: 6,585,400 B2), Chen (US Patent No.: 6,428,192 B1) and Tsao (US Patent No.: 6,062,703) discloses the above indicated structure and positioning of at least one push rod as claimed by the applicant.

Therefore Claim 12 is allowed over prior art.

Claims 13-19 are necessarily allowed because of their dependency on the allowed base claim 12.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matthews (U.S. Patent No. 6,712,485 B2); Kim (U.S. Patent Application Pub. No.: US 2003/0202345 A1); Chen (U.S. Patent No. 6,428,192 B1); Tsao (U.S. Patent No. 6,062,703); Doddy (U.S. Patent No. 5,823,658); Chen (U.S. Patent No. 5,702,175); Price (U.S. Patent No. 5,823,657); Snoke et al. (U.S. Patent No. 5,797,670); Maglica (U.S. Patent No. 5,515,246), Leen (U.S. Patent No. 5,448,463) and Glassford (U.S. Patent No. 5,209,562)



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Each of the above-indicated prior arts disclose an illuminating apparatus comprising some of the claimed features claimed by the applicant.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306/7724 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS

4/14/2004



THOMAS M. SEMBER  
PRIMARY EXAMINER